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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/999,604 12/26/96 DENT

P 027540-688

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EXAMINER

LUTHER, W

ART UNIT

PAPER NUMBER

2731

18

DATE MAILED:

09/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

AD

Office Action Summary

Application No.
08/999,604

Applicant(s)

DENT

Examiner

William Luther

Group Art Unit
2731



☒ Responsive to communication(s) filed on Jun 8, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-44 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 1-29, 37, 43, and 44 is/are allowed.

☒ Claim(s) 30-36 and 38-42 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

1. This action is in responsive to the Request for Reconsideration received June 8, 2000 (the "June 8, Request"). The June 8, Request is responsive to the notice of non-responsive mailed May 9, 2000 (the "May 9, Notice"). The June 8, Request supplements the Request for Reconsideration received February 24, 2000 (the "February 24, Request").

As a preliminary matter, under Rule 1.56, examiner requests that applicant inform him what products (if any) would be covered by instant claims rejected under Section 112's first paragraph (regardless of their on sale date) since many instant claims have not been afforded the priority date claimed.

Instant claims 1-28 remain allowed. Claim tree 31, 32, 38 distinguishes over the prior art of record in view of the amendment of August 30, 1999, as considered with respect to the written description of April 13, 1992. Likewise, claim tree 29, 37. Likewise, independent claims 43 and 44. However, claim tree 33, 39 is finally rejected under Section 112's written description requirement. Likewise, claim tree 34, 42. Likewise claim tree 35, 36, 40. Additionally, claim tree 30, 41 is finally rejected under Section 103.

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functions and not a separate means for each function. Accordingly, examiner rejects applicant's representative's expressed related view of Section 112 first paragraph's written description requirement. Applicant may not **later** claim multiple means that he did not **earlier** convey. Notwithstanding, examiner requested applicant inform him of the actual written description corresponding to the claimed means, not exemplary written description. Accordingly, examiner further rejects instant claim 33 and its depending claims for reciting multiple items that were conveyed fewer items on April 13, 1992. This topic finds the same concern in claims 35, 36, 39, 40 and 42 for their multiple ^{elements} ~~elements~~ regardless of whether corresponding functions were in fact conveyed. Examiner references the same issues already set forth in the file wrapper history incorporated by reference above.

In the February 24, Request, applicant remarked "...Applicant notes that different correspondences**could** also be drawn by those skilled in the art". (Emphasis added) (see page 2 last line). However, examiner is interested in "would" not "could". In any event, "**would**" is the standard of Section 112 first paragraph's written description requirement. As related, examiner expresses his views not as an ordinary artisan but as one ascertaining what the April 13, 1992 ordinary artisan **would** have recognized. Examiner thus request applicant further assist him by providing specific **non-exemplary** information of what he meant on the April 13, 1992 in his own written description.

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Luther whose telephone number is (703) 308-6609.

William Luther
Primary Examiner
September 6, 2000

A handwritten signature in black ink, appearing to read 'W. Luther', with a large, stylized loop at the end.



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